

A.C. 40026 : APPELLATE COURT
NICHOLAS CRISMALE : J.D. OF NEW HAVEN
Appellant
VS. : AT HARTFORD
CHRISTOPHER WALSTON : NOVEMBER 13, 2017
Appellee

MOTION FOR EXTENSION OF TIME TO FILE APPELLE BRIEF

Pursuant to § 66-1(c)(1) of the Rules of Appellate Procedure, Christopher Walston, the Defendant / Appellee, moves the Court for an extension of time of forty-five (45) days within which to file his Appellee Brief. On Wednesday, November 8, 2017, counsel for the Appellant consented to the extension. Wherefore, the defendant moves the court to grant the extension until **January 11, 2018**.

I. HISTORY

1. On August 27, 2014, the plaintiff filed his complaint with the New Haven Superior Court, which sounded in defamation and malicious prosecution against this defendant, arising out a December 14, 2011 incident involving clam beds in Long Island Sound.
2. On March 2, 2016, the defendant filed an answer and special defenses.
3. On March 7, 2016, the defendant file a motion for summary judgment.
4. On December 27, 2016, after oral argument on the defendant's motion for summary judgment, the plaintiff's objection and the defendant's reply, the

court (*Wilson, J.*) granted the defendant's motion for summary judgment and entered a judgment for the defendant.¹

5. On January 17, 2017, the plaintiff commenced an appeal.

6. On March 6, 2017, the Court, *sua sponte*, extended the time to file the Appellant's brief to forty-five (45) days after the date that the first pre-argument conference is held.

7. On August 25, 2017, the parties appeared at a pre-argument conference before Honorable Barbara Quinn.

8. At the August 25, 2017 pre-argument conference the court (*Quinn, J.*), further extended the date in which the Appellant Brief was due up through October 27, 2017.

9. On October 27, 2017, the Appellant filed his Appellant brief and appendix, and simultaneously e-mailed it to the undersigned.

10. According to the Rules of Appellate Procedure the undersigned must file the Appellee brief and appendix within thirty (30) days of the plaintiff's filing of the appellant brief, which is November 27, 2017, the Monday after the Thanksgiving Holiday.

11. The undersigned will be traveling for the Thanksgiving Holiday with family and will be unable to fully review the appellant brief, complete the necessary

¹ On April 21, 2016, the court (*Wilson, J.*) granted the motion for summary judgment filed by the co-defendants. The plaintiff did not appeal this judgment; therefore the co-defendants are not part of this appeal.

additional research in preparation to respond to the appellant brief, finalize the substance of the appellee brief, and organize the appellee brief and appendix by November 27, 2017.

12. In December, the undersigned has several jury trials that have not yet settled and has family coming in from multiple states and out of the country for the Christmas and New Year's holidays, which again makes it nearly impossible to complete the Appellee brief before the New Year, as it requires the defendant to fully review the appellant brief, complete the necessary additional research in preparation to respond to the appellant brief, finalize the substance of the appellee brief, and organize the appellee brief and appendix.

13. Based upon the foregoing, the undersigned, on behalf of the Defendant / Appellee, respectfully moves the court to grant the extension of time so as to complete the brief, narrow the arguments presented to the Court, and conserve judicial resources by not presenting any unnecessarily broad or specious issues to the Court.

14. The undersigned is filing this Motion at least ten days before the November 27, 2017 brief due date and as soon as was practicable prior to the filing date in which the Rules of Appellate Procedure require.

15. Counsel for Plaintiff / Appellant consents to this continuance.

16. This is the Defendant / Appellee's first motion for an extension of time.

II. CURRENT STATUS OF BRIEFS

Counsel for the Defendant has completed a large portion of the research and has drafted a large portion of the Appellee Brief, but for the reasons stated above, moves for an additional forty-five (45) days, up to and including **January 11, 2018**, to complete and file the Appellee brief and appendix.

III. FACTS UPON WHICH MOVING PARTY RELIES

In the interests of judicial economy, and for the benefit of all litigants involved, the undersigned counsel wishes to narrow the focus of the issues presented to the Court and prevent the presentation of matters not directly pertinent to the central issues of the appellee brief.

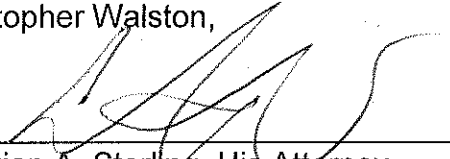
IV. LEGAL GROUNDS

Pursuant to § 66-1 of the Rules of the Appellate Procedure, the court has the authority to grant an extension of time for filing a brief.

V. CONCLUSION

For the above reasons, Defendant / Appellee, respectfully moves the court to grant the motion for extension of time.

The Appellee
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ORDER

The foregoing Motion having been heard, it is hereby ORDERED:

GRANTED / DENIED

BY THE COURT,

Judge/Clerk/Temporary Assistant Clerk

CERTIFICATION

Pursuant to Practice Book §§ 62-7; 66-3; 66-(c)(1) et seq., this is to certify that a copy of the foregoing Motion has been e-mailed, to the following counsel of record, this 13th day of November, 2017, and:

- (1) That a copy of this document has been delivered to each other counsel of record, as listed below;
- (2) That this document has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law; and
- (3) That this document complies with all applicable rules of appellate procedure.

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